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Supersedes: April 1, 1995

96.00 Utility Accommodation
96.50 Construction Requirements
96.55 Erosion Control and Storm Water Management

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A. Authority

Under Wisconsin Administrative Rule Trans 401, a utility shall assure that proper erosion control and storm water management measures are implemented at all times during work operations. The utility shall also be responsible for providing erosion control and storm water management measures to protect all restored areas upon completion of the project until the replacement vegetation achieves sustained growth.

B. Implementation

The Department has divided utility operations into two categories -- minor and major -- for the purpose of determining erosion control and storm water management plan requirements. **When submitting its permit application, a utility shall check the appropriate box for the category in which it feels the proposed operation belongs.** Based upon the information submitted, the district utility permit coordinator has the option to change the category.

Should a change become necessary, the utility has some options. If the change is from the minor to major category, the utility may elect to submit an erosion control plan. It could also amend, or revise and resubmit its permit application provided a change in work methods could place the utility operation into the minor category. If the change is from major to minor, the utility may still use its proposed erosion control plan.

C. Major Projects

1. Definition

Major projects are defined as excavations which will not be restored in the same day or immediately the next day. Examples of utility projects that may fall under the major category include, but are not limited to:

1. Grading on right-of-way.
2. Large, open pavement/shoulder cuts.
3. Large boring operations and boring pits.
4. Trenching operations.
5. Any project adjacent to a waterway which is **not** classified as "routine" under the DNR Waterway Crossings Agreement.

D. Major Projects (continued)

2. Specific Guidelines

Specific guidelines for proper erosion control and storm water management are contained in Administrative Rule Trans 401. Some key elements of this administrative rule are highlighted as follows.

[401.07] A utility shall submit an erosion control plan along with its permit application. The plan may be either in written or pictorial format, or both formats. A utility may use Chapter 10 of the Department's Facilities Development Manual (FDM) as a guide in the proper selection, installation, and maintenance of erosion control and storm water management measures. Standard Detail Drawings for some erosion control devices are also available in FDM Chapter 16. Joint Department/utility field meetings may also be needed to review proposed erosion control and storm water management plans.

*[401.09(1)] All required erosion control and storm water management measures shall be installed at the job site prior to the commencement of work. The utility shall notify the Department at least 24 hours before the installation of the measures. **The utility should check the box on the permit application form that it is aware of the notification requirement.***

Comment: It is evident that with minor projects, there is no need for a utility to have erosion control and storm water management measures in place prior to the start of construction. Therefore, prior notification to the Department is not required.

*[401.06(2), 401.09(1)] After the installation of the permanent erosion control and storm water management measures is completed at a site or when the temporary erosion control and storm water management measures are no longer required for their intended purpose, the utility shall remove all temporary erosion control and storm water management measures. A utility should be aware that after the installation or alteration of a facility, a considerable amount of time (e.g. one to three months) may lapse between restoration of the right-of-way and removal of temporary erosion control measures. The Department will not consider a utility project to be "final" until the right-of-way has been restored **and** all temporary erosion control measures have been removed. Failure to remove temporary erosion control measures shall be handled under the guidelines listed in policy 96.07.*

[401.09(2)(b)] After completion of construction activities and the installation of permanent erosion control and storm water management measures, the utility shall promptly notify the Department which will render an inspection of the site. The purpose of this inspection is to ensure that all permanent erosion control and storm water management measures are adequate and functioning properly.

D. Major Projects (continued)

[401.10(2)(b)] In the case of a project not administered by the Department, [inspections shall be performed by an inspector] at least once per week during the time construction or maintenance activity is being pursued on a project site.

[401.04(14)] "Inspector" means an employee or authorized representative of the Department assigned to make inspections.

The Department authorizes a utility to perform the once per week inspections required for a major project. The utility shall maintain a written record of the inspections and keep those notes on file for at least three years along with the utility's permit.

E. Minor Projects

1. Definition

The Department is aware of various utility operations that disturb minor amounts of soil or, in fact, no soil. These "minor" projects shall not require a formal erosion control plan, however, a utility shall follow the guidelines listed in the next section. **Minor projects are defined as excavations which will be restored in the same day or immediately the next day.** Examples of utility projects that may fall under the minor category include, but are not limited to:

1. Overhead crossings.
2. Pole installations.
3. Plowing operations.
4. Trenching operations.
5. Any project adjacent to a waterway which is classified as "routine" under the DNR Waterway Crossings Agreement.
6. Hand digging.
7. Small boring operations (moles).
8. Small open pavement/shoulder cuts.

The DNR defines "routine" water crossings as commonly simple plowed-in or directional bored crossings.

2. Guidelines for Erosion Control

The utility shall respond to any soil disturbance by promptly replacing the soil and topsoil and/or temporary seeding and mulching the soil. This includes repairing equipment and vehicle tracks that also may disturb soil.

Erosion control devices such as hay or straw bales and silt fence shall be present at the job site or be immediately accessible in case changing weather conditions force a utility to take immediate action to protect bare or loose soil. Soil piles left overnight shall be covered or protected with silt fence etc., to prevent possible runoff.